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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,339	05/17/2002	Paul Alexander Jones	217926USOPCT	6486

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EXAMINER

SPIVACK, PHYLLIS G

ART UNIT PAPER NUMBER

1614

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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11

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Commissioner for Patents

Newly submitted claims 7-11 are directed to an invention that is independent and distinct from the invention originally claimed for the following reasons:

The claims that were originally presented were directed to a pharmaceutical composition comprising the compound of the formula of instant claim 1 and a method for preventing or treating acute or chronic cerebral neurodegenerative diseases.

The new claims presented in the Amendment filed March 22, 2004, Paper No. 9, are directed to a method for preventing or treating brain damage caused by ischemia or hemorrhage comprising administering the compound of formula I.

Claims directed to a method for preventing or treating acute or chronic cerebral neurodegenerative diseases are independent and distinct from claims directed to a method for preventing or treating brain damage caused by ischemia or hemorrhage.

Since Applicants have received an Action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution. Newly presented claims 7-11 are directed to a non-elected invention.

The Amendment filed on March 22, 2004, Paper No. 9, canceling all original claims and presenting only claims drawn to a non-elected invention is non-responsive. See MPEP 821.03.

Since the above-mentioned Amendment appears to be a bona fide attempt to reply, Applicants are given a TIME PERIOD of ONE MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication should be directed to Phyllis Spivack at telephone number 571-272-0585.

August 5, 2004

Phyllis G. Spivack
Primary Examiner
Art Unit: 1614

**PHYLLIS SPIVACK
PRIMARY EXAMINER**